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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,340	06/25/2003	David Wayne Gregg	64245	2643

27148 7590 12/30/2004

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EXAMINER

ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,340

Applicant(s)

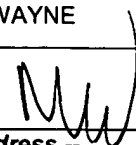
GREGG, DAVID WAYNE

Examiner

Raymond W. Addie

Art Unit

3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,9-17,19-27 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9-17,19-27 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03, 10/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 35-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/5/04.

It is noted Applicant has stated "claims 35-48 have been withdrawn...and have been cancelled without prejudice", in page 9, under the heading "Remarks" filed 10/5/04.

Claim Objections

2. Claims 17, 27 are objected to because of the following informalities:
Claims 17, 27 recite the phrase "the holders"; which should be "at least one holder" in order to be consistent with Claims 12, 22 from which they depend respectively.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6, 7, 9, 10, 12, 13, 16, 17, 19, 20, 22, 23, 26, 27, 29, 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones # 5,022,783 in view of Wynings # 6,585,4516.

Jones discloses a stamping apparatus comprising:

A roller (18), including a patterned surface defined by a stamp material (19).

A receiver portion (13) for receiving the roller in rotatable engagement, the receiver portion including oppositely disposed ends; a cross bar (13) and lateral members (13a) in communication with said cross bar (13) and being configured for receiving the roller in a rotational engagement.

A handle (15) in communication with the receiver portion.

What Jones does not disclose is providing the stamping apparatus with weights to increase the compaction force generated by the roller drum (18).

However, Wynings teaches it is desirable to provide compaction rollers with removable weights (40) mounted on at least one holder, such as a flange (38), of a cross member (18), the holders and opposing ends of the cross member (18), being disposed at each opposing end of a receiver portion (16) the receiver portion thus being configured for weighting the roller. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Jones, with a removable weight assembly, as taught by Wynings, in order to customize the compaction force generated by the compaction roller. See Jones Col. 3, ln. 46-col. 4, ln. 62; Wynings Col. 2, ln. 64-col. 3, ln. 29; Fig. 3.

In regards to claims 31-34 Jones discloses a method for stamping concrete comprising:

Providing a stamping apparatus comprising: A roller (18) including a stamping surface

defined by a stamping material (19); a receiver portion (13) for receiving the roller (18) in rotatable engagement, and including opposing ends.

Moving the apparatus over the concrete being worked for stamping the concrete in accordance with the stamp.

What Jones does not disclose is the step of weighting the receiver portion with removable weights. However, Wynings teaches a method of weighting a compaction roller with removable weights (40) mounted on a cross member (18) having opposing ends and at least one holder (38) such as a flange, disposed at the opposing ends of the receiver portion (16), for adding weight to each end of the receiver portion.

The method comprising the steps:

Adjusting the weight on the receiver portion, including weighting at least one of the oppositely disposed ends of the receiver portion.

Removing weight from at least one of the oppositely disposed ends of the receiver portion.

Not removing and not adding weight to the receiver portion.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of compacting concrete of Jones, with the method of weighting a compaction roller, as taught by Wynings, in order to customize the compaction force generated by the compaction roller. See Jones Col. , In. 46-col. 4, In. 62; Wynings Col. 2, In. 64-col. 3, In. 29; Fig. 3.

4. Claims 3, 14, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones '783 in view of Wynings '451 as applied to claims 1, 12, 22 above, and further in view of Zieger et al. # 5,846,176.

Jones in view of Wynings discloses a weighted compaction roller having a stamp, with protrusions (19) for impressing an image on soft concrete. Jones explicitly discloses "the parts of the invention to include variations in size, materials, shape, form, function etc. are deemed readily apparent to one skilled in the art". What Jones in view of Wynings does not disclose is a stamp having a textured surface for creating a textured concrete surface. However, Zieger et al. teaches concrete stamping rollers are advantageously provided with protrusions (14) that are capable of impressing a texture onto soft concrete being stamped. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the compaction roller of Jones in view of Wynings with a textured stamping material, as taught by Zieger et al., in order to increase traction on the concrete during rain events. See Jones col. 4, lns. 33-60; Zieger et al. col. 3, ln. 50-col. 4, ln. 17.

5. Claims 4, 11, 15, 21, 25, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones '783 in view of Wynings '451 as applied to claims 1, 12, 22 above, and further in view of Brimo # 4,776,723.

Jones in view of Wynings discloses a weighted compaction roller having a stamp, with

protrusions (19) for impressing an image on soft concrete. Jones explicitly discloses "the parts of the invention to include variations in size, materials, shape, form, function etc. are deemed readily apparent to one skilled in the art". What Jones in view of Wynings does not disclose is a stamp having a patterned and textured surface for creating a patterned and textured concrete surface. However, Brimo teaches a concrete stamping tool is advantageously provided with pattern forming devices (52) and texture forming faces (56) such that a concrete surface can be stamped with both a repeatable pattern, such as herringbone and textured faces. Said stamping tool being made from a urethane rubber material that is relatively hard and flexible. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the concrete stamping machine of Jones in view of Wynings with a urethane-rubber stamp, as taught by Brimo, in order to form various patterns, textures and combination of patterns and textures. See Brimo Col. 4, ln. 15-col. 6, ln. 21.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 6, 7, 9-17, 19-27, 29-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Will
Supervisory Patent Examiner
Group 3600

12/22/04